

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

ARTHUR GIANELLI, ET AL,
Defendants,

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) **CRIMINAL ACTION**
) **NO. 05-10003-NMG**
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STATUS REPORT
March 8, 2006

HILL MAN, M.J.

The following is a Status Report to Gorton, J. to whom this case is assigned:

1. Rule 11 Hearings

Defendants, Deeb Homsy, Tony Daniels, Todd Westerman and Weshtod Consultants have had their cases referred to Judge Gorton for a Rule 11 hearing.

2. Remaining Defendants

The remaining defendants represent that the automatic discovery obligations have been completed. Additionally, the Government has agreed to provide preliminary transcripts of wire tap logs, and surveillance reports from November of 2003. Both parties represent that the additional discovery packages need to be reviewed and that the parties agree to exchange further discovery letters in an effort to complete their respective discovery obligations. The parties have requested an additional four months in order to complete the discovery process and to assess the discovery material in order to decide whether to file dispositive motions and/or engage in plea discussions.

In addition, there is a pending motion to dismiss filed by defendant Gianelli. The Government filed a motion requesting that it have until April 19, 2006 to file its response and I have allowed that motion. Once I have both the motion and the Government's response, I will forward them to Judge Gorton.

3. Further Status Conference

A further status conference will be held in this case on Tuesday, June 27, 2006, at 2:15 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts. **It will be necessary for all counsel to appear in person for this status conference or if you are unable to appear, to appoint other counsel to represent you at this conference.**

4. Excludable Time

At the request of the Government and without objection from counsel for the parties, I am excluding from the provisions of the Speedy Trial Act, the period from March 6, 2006 (date of the last status conference) to and including June 27, 2006 (date by which Defendants and their counsel will have completed their review of discovery produced by the Government in this case). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Tuesday, September 5, 2006.

/s/Timothy S. Hillman
TIMOTHY S. HILLMAN
MAGISTRATE JUDGE